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**U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS**

**BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In re:

H&R BLOCK EXPRESS IRA LITIGATION

MDL Docket No. _____

**REVISED SCHEDULE OF ACTIONS IN SUPPORT OF BRONSON'S MOTION TO
CONSOLIDATE AND TRANSFER ACTIONS UNDER 28 U.S.C. § 1407**

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Counsel for Plaintiff Carol Bronson

1. ***CAROL BRONSON, on behalf of herself and all other similarly situated v. H&R BLOCK, INC. and H&R BLOCK FINANCIAL ADVISORS, INC.***

Filed: April 27, 2006

Civil Action Number: 06-0357-CV-W-SWH

District Court: United States District Court For The Western District of Missouri
(Western Division, Kansas City)

Assigned Judge: The Honorable Sarah W. Hays

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. A (Bronson Complaint and Docket Sheet).)

2. ***PASCHA PERKINS, individually and on behalf of all others similarly situated v. H&R BLOCK, INC. and H&R BLOCK FINANCIAL ADVISORS, INC.***

Filed: April 24, 2006

Civil Action Number: 06-CV-00317

District Court: United States District Court For The Southern District of Illinois
(East St. Louis Division)

Assigned Judge: The Honorable G. Patrick Murphy

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. B (Perkins Complaint and Docket Sheet).)

3. ***RHONDA CRIBBS, individually and on behalf of all others similarly situated, v. H&R BLOCK, INC. and H&R BLOCK FINANCIAL ADVISORS, INC.***

Filed: April 20, 2006

Civil Action Number: 06-CV-0330

District Court: United States District Court For The Western District of Missouri
(Western Division, Kansas City)

Assigned Judge: The Honorable Gary A. Fenner

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. C (Cribbs Complaint and Docket Sheet).)

4. ***JEANINE M. ROZUM, individually and on behalf of all others similarly situated, v. H&R BLOCK, INC.***

Filed: April 17, 2006

Civil Action Number: 06-CV-0326

District Court: United States District Court For The Western District of Missouri
(Western Division, Kansas City)

Assigned Judge: The Honorable Fernando J. Gaitan, Jr.

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. D (Rozum Complaint and Docket Sheet).)

5. *DEBRA KESSLER, on behalf of herself and all others similarly situated, v. H&R BLOCK, INC. and H&R BLOCK FINANCIAL ADVISORS, INC.*

Filed: April 12, 2006

Civil Action Number: 06-CV-0616

District Court: United States District Court For The Eastern District of Missouri
(Eastern Division, St. Louis)

Assigned Judge: The Honorable E. Richard Webber

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. E (Kessler Complaint and Docket Sheet).)

6. *THOMAS EDWARD CARR, RITA THOMAS CARR, and DON EARL DAVIS, individually and on behalf of all others similarly situated, v. H&R BLOCK, INC.*

Filed: April 12, 2006

Civil Action Number: 06-CV-0312

District Court: United States District Court For The Western District of Missouri
(Western Division, Kansas City)

Assigned Judge: The Honorable Dean Whipple

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. F (Carr Complaint and Docket Sheet).)

7. *BRIAN M. BAXTER, individually and on behalf of all others similarly situated v. H&R BLOCK, INC.*

Filed: April 5, 2006

Civil Action Number: 06-CV-0289

District Court: United States District Court For The Western District of Missouri
(Western Division, Kansas City)

Assigned Judge: The Honorable John T. Maughmer

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. G (Baxter Complaint and Docket Sheet).)

8. *VANESSA RODRIGUEZ, on behalf of herself and all others similarly situated, v. H&R BLOCK, INC. and H&R BLOCK FINANCIAL ADVISORS, INC.*

Filed: March 31, 2006

Civil Action Number: 06-CV-0554

District Court: United States District Court For The Eastern District of Missouri
(Eastern Division, St. Louis)

Assigned Judge: The Honorable Audrey G. Fleissig

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. H (Rodriguez Complaint and Docket Sheet).)

9. *DEBBIE L. JENKINS, individually and on behalf of all others similarly situated v. H&R BLOCK, INC.*

Filed: March 24, 2006

Civil Action Number: 4-06-CV-00000365

District Court: United States District Court For The Eastern District of Arkansas
(Little Rock Division)

Assigned Judge: The Honorable G. Thomas Eisile

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. I (Jenkins Complaint and Docket Sheet).)

10. *JENNIFER BRAUN, individually and on behalf of all others similarly situated v H&R BLOCK, INC.*

Filed: March 20, 2006

Civil Action Number: 06-CV-0242

District Court: United States District Court For The Western District of Missouri
(Western Division, Kansas City)

Assigned Judge: The Honorable Dean Whipple

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. J (Braun Complaint and Docket Sheet).)

11. *ROBERT E. DOWDA JR., individually and on behalf of all similarly situated v. H&R BLOCK, INC., H&R BLOCK TAX SERVICES, INC., and H&R BLOCK FINANCIAL ADVISORS, INC.*

Filed: March 17, 2006

Civil Action Number: 2:06-CV-00255

District Court: United States District Court For The Middle District of Alabama
(Northern Division, Montgomery)

Assigned Judge: The Honorable W. Harold Albritton, III

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. K (Dowda Complaint and Docket Sheet).)

12. *NEIL TERRELONGE, individually and on behalf of all others similarly situated v. H&R BLOCK, INC.*

Filed: March 15, 2006

Civil Action Number: 06-CV-0222

District Court: United States District Court For The Western District of Missouri
(Western Division, Kansas City)

Assigned Judge: The Honorable Richard E. Dorr

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. L (Terrelonge Complaint and Docket Sheet).)

13. *TANYA C. ADAMS, individually and on behalf of all persons similarly situated v. H&R BLOCK, INC. and H&R BLOCK FINANCIAL ADVISORS, INC.*

Filed: March 14, 2006

Civil Action Number: 06-CV-0231

District Court: United States District Court For The Western District of Missouri
(Western Division, Kansas City)

Assigned Judge: The Honorable Gary A. Fenner

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. M (Adams Complaint and Docket Sheet).)

14. *SHAWN SILVERBERG and JENNIFER CONOLEY, individually and on behalf of all persons similarly situated v. H&R BLOCK, INC.*

Filed: March 27, 2006

Civil Action Number: 06-CV-0519

District Court: United States District Court For The Eastern District of Missouri
(Eastern Division, St. Louis)

Assigned Judge: The Honorable E. Richard Webber

(See Exhibits to Plaintiff's Schedule of Related Actions, Ex. N (Silverberg Complaint and Docket Sheet).)

Dated: May 5, 2006

Respectfully submitted,

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EXHIBIT N

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

FILED

MAR 27 2006

**U. S. DISTRICT COURT
EASTERN DISTRICT OF MO**

**SHAWN SILVERBERG and JENNIFER
CONOLEY, on Behalf of themselves and All
Others Similarly Situated,**

Plaintiffs,

vs.

**H&R BLOCK, INC. and H&R BLOCK;
FINANCIAL ADVISORS, INC.,**

Serve: Hold for Service

Defendants.

Civil Action No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

4 : 06CV00519ERW

Plaintiff alleges the following based upon the investigation of plaintiffs' counsel, which included a review of press releases and media reports about the circumstances alleged herein and the facts forming the basis for the allegations herein. Plaintiffs believe that substantial additional evidentiary support will exist for the allegations set forth herein after a reasonable opportunity for discovery.

NATURE OF THE ACTION

1. This class action, filed in this Court pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332, alleges that defendants violated Missouri's Merchandising Practices Act, Mo. Rev. Stat. § 407.0 10, *et seq.*, breached their fiduciary duties and were unjustly enriched. The claims arise from defendants' deceptive advertising of their Express IRA product, their failure to disclose fees associated with the product and their failure to disclose incentives received by defendants, from a third party, to sell the product. In an email, Mark Ernst, H&R Block Inc.'s CEO, conceded that the Express IRA "is designed to nickel and dime clients to the point where our field people [don't] feel as good about the product as they should." Victims of the deceptive

practices were primarily financially unsophisticated low-to-middle income consumers who had sought out H&R Block for objective tax and related financial advice.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332. The amount in controversy in this action exceeds \$5,000,000 and, upon information and belief, at least one member of the class is a citizen of a state different from a defendant.

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b). Many of the acts charged herein, including the preparation and dissemination of materially false and misleading information, occurred in substantial part in this District. H&R maintains several offices within this district.

PARTIES

4. Plaintiffs Shawn Silverberg and Jennifer Conoley are Missouri residents, each of whom opened an Express IRA account with H&R Block during the 2004 tax season, each funded initially with \$500.

5. Defendant H&R Block Inc. is a publicly traded company providing brokerage and related financial services to individuals and small businesses. H&R is headquartered at 4400 Main Street, Kansas City, Missouri, 64111. H&R Block Inc. is the parent of H&R Block Financial Advisors and controls that entity.

6. H&R Block Financial Advisors, Inc. ("HRBFA") is a wholly-owned (indirect) subsidiary of H&R Block Inc. and operates as its financial advisory arm.

7. Defendants H&R Block Inc. and HRBFA are sometimes referred to collectively referred to herein as "H&R."

PLAINTIFFS' CLASS ACTION ALLEGATIONS

8. Plaintiffs bring this action as a class action pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3) on behalf of a class (the "Class"), consisting of all persons who opened an Express IRA account with H&R.

9. The members of the Class are so numerous that joinder of all members is impracticable. While the exact number of Class members is unknown to plaintiffs at this time and can only be ascertained through appropriate discovery, plaintiffs believe that there are approximately 596,000 members in the proposed Class and that they are geographically dispersed. Members of the Class may be identified from records maintained by H&R and may be notified of the pendency of this action by mail, using the form of notice similar to that customarily used in class actions.

10. Plaintiffs' claims are typical of the claims of the members of the Class as all members of the Class are similarly affected by defendants' wrongful conduct in violation of the laws that are complained of herein. Plaintiffs have no interests that are adverse or antagonistic to the interests of the other members of the Class.

11. Plaintiffs will fairly and adequately protect the interests of the Class. Plaintiffs are committed to prosecuting action in the interest of all class members and has retained competent counsel experienced in litigation of this type.

12. There are questions of fact and law common to members of the Class that predominate over any questions affecting any individual members including, inter alia, the following:

(a) Whether defendants failed to properly disclose the fees customers would incur on their Express IRA accounts;

- (b) Whether defendants failed to disclose the fees received by HRBFA from RMC;
- (c) Whether defendants' actions amount to deceptive and unfair trade practices;
- (d) Whether defendants' actions amount to negligent misrepresentation;
- (e) Whether defendants are liable for unjust enrichment;
- (f) Whether defendants are liable for breach of fiduciary duty;
- (g) Whether plaintiffs and the Class were damaged by defendant's improper conduct and, if so, what is the proper measure of damages; and
- (h) Whether plaintiffs and the Class are entitled to declaratory and/or injunctive relief.

13. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy since joinder of all members is impracticable. Furthermore, as the damages suffered by individual Class members may be relatively small, the expense and burden of individual litigation make it impossible for members of the Class to individually redress the wrongs done to them. There will be no difficulty in the management of this action as a class action.

SUBSTANTIVE ALLEGATIONS

H&R

14. H&R provides tax preparation and financial services to the consumer market. The majority of its revenues are derived from tax preparation services, with mortgage services, business services, investment services and corporate services comprising the rest of its business.

15. In recent years, H&R has sought to leverage client relations cultivated through its tax preparation services to branch out into related services, and thereby broaden its non-tax preparation products as a way of diversifying its business.

16. The H&R product at issue in this action is the Express IRA plan, an individual retirement account offered by H&R that H&R encourages clients to fund with their tax refund.

17. The Express IRA product was pilot tested in 2001 by 10% of H&R's offices, with a full roll-out commencing in 2002. To date, H&R has opened approximately 596,000 Express IRA accounts.

H&R Fails to Disclose that it Receives Incentives to Sell The Express IRA Product

18. Throughout the Class Period, unbeknownst to class members, H&R received compensation from Reserve Management Corp. ("RMC") as an incentive for H&R to increase Express IRA enrollment.

19. The agreement between H&R and RMC states as follows regarding this arrangement, which is not disclosed to class members:

Payment: During the term of this Agreement, HRBFA shall receive from RMC payment with respect to all accounts accepted by RMC in which the executed account application form on file with RMC is marked or designated to show that it was provided to the Client-investor by HRBFA (each such marked account being a "HRBFA Account").

Any payments and/or administrative service fees pursuant to this Agreement shall be paid at the end of the month. Payment shall be based on the net asset value of Insured Deposits, which are held in accounts, designated as HRBFA Account. Payment shall be made by RMC within 30 days after the close of each month for which such fee(s) is payable. No such monthly payment will be paid if the average new asset value of all HRBFA Accounts upon which the fee is based is less than \$25,000.

20. RMC was willing to pay HRBFA for increasing the funds under management because RMC received, as a fee from H&R, a percentage (1.1%) of the average daily net assets of the Express IRA accounts.

21. In turn, H&R motivated its employees to sell Express IRA accounts by using a compensation program that included a \$25 payment for every Express IRA that they sold.

22. In its agreement with RMC, HRBFA acknowledges its fiduciary relationship with its Express IRA clients. Specifically, the agreement states that "HRBFA shall act in a *fiduciary capacity* with respect to Client-investors" (emphasis added).

23. H&R's undisclosed arrangement with RMC have presented a conflict of interest, pitting H&R's financial interest against the interests of its clients. Disclosure of this conflict is clearly material to a client's ability to make an informed decision about the product and is necessary if clients are to objectively weigh H&R's recommendation of the product. H&R, however, chose not to disclose this important information because it apprehended that enrollment would decrease if its clients knew that H&R is paid, by another company, to recommend the Express IRA product.

24. Rather than acting in the best interests of its clients, as it is obligated to do as a fiduciary for class members, H&R instead aggressively marketed a product that, more often than not, caused its clients to lose money, for the reasons detailed below. H&R has been unjustly enriched at the expense of class members.

The Express IRA Loses Money For Most Class Members Due to Inadequately Disclosed Fees

25. On March 16, 2006, the office of the New York State Attorney General filed a complaint in the Supreme Court of the State of New York accusing H&R and HRBFA of fraudulent business practices, deceptive acts and practices, common law fraud, and breaches of fiduciary duty, stemming from H&R's failure to disclose fees paid by Express IRA customers.

26. Many Express IRA customers are low income taxpayers who open an Express IRA account using the minimum amount of \$300. The vast majority open an account with less

than \$1000. Approximately 80% of clients who open an Express IRA fund it through a tax refund.

27. H&R markets the Express IRA in brochures, online and other advertisements. In these advertisements, H&R claims that the Express IRA pays "great rates", offers a "better way to save" and urges tax payers to "use your tax refund to start saving today."

28. Unbeknownst to class members, an Express IRA account involves the following fees: (i) a \$15 account opening fee, (ii) a \$15 re-contribution fee; (iii) \$10 annual maintenance fee for accounts less than \$1000; (iv) a \$25 account termination fee.

29. In addition to these fees, an Express IRA client that also utilizes H&R's tax preparation services will incur a "tax complexity" fee, averaging \$20, in addition to the usual tax preparation fees, due to the supposed complexity introduced into the tax preparation process by the Express IRA.

30. The Express IRA paid out an interest rate of 0.50% in 2002, 1% in 2003, 0.80% in 2004 and 1.5% in 2005. These amounts were materially less than the inflation rate during those periods.

31. Because many IRA Express customers open the account with the minimum \$300, and the vast majority with less than \$1000, the meager interest rate paid on the investment means that most people will lose money. Indeed, IRA Express fees exceeded the interest paid for 85% of Express IRA customers. This deceptive practice preys on the poorest customers, who are most likely to invest an amount on which the interest payment does not cover the fixed fees, which are not properly disclosed.¹

¹ The \$25 account termination fee is noted in the Disclosure and Custodial Agreement that Express IRA salespeople are supposed to provide to customers. However, this document is a 19-page document filled with legal boilerplate that is incomprehensible to lay customers. Given the fiduciary relationship between H&R and class members, and the importance of the information,

32. Accordingly, contrary to the advertising, Express IRA is not a "better way to save" and does not offer "better rates." For most of the people who bought it, the Express IRA paid out more in fees than it earned in interest. On a minimum account opening balance of \$300, the largest interest rate offered by H&R Block to date to Express IRA customers (1.5%) would yield \$4.50 a year in interest. Fees in the first year (\$15 opening plus \$10 maintenance fee) add up to \$25, 5.5 times more than the account earned in interest. A client that was unsatisfied with the performance of this investment could close the account, but only after paying a \$25 account termination fee.

33. In order to cover fees in the first year, at an interest rate of 1.5%, a customer would have to open an Express IRA account with \$1,666. This is not explained to the customer and this amount far exceeds the amount with which the vast majority of class members opened their accounts.

34. The vast majority of people would not have opened an Express IRA account had the fees been properly disclosed and had they been told that the fees would exceed the interest earned.

35. The inherent deficiency of the Express IRA product was common knowledge to H&R upper management. The Attorney General's complaint references an email from H&R Block, Inc. CEO Mark A. Ernst to an H&R product manager, which comments on unease by certain H&R employees with the product. In relevant part, the email states as follows:

The attached note (from a District Manager) reflects the general sense that I think exl[s]ts — that ExpressIRA is the right thing for our clients, *but the product is designed to nickel and dime clients to the point where our field people don't [sic] feel as good about the product as they should.* You should seriously look at whether, with a bank product design, we can eliminate the fees so that our people feel better about the offer. [Emphasis added.]

the least H&R could do is clearly highlight the fees as prominently as it highlights the Express IRA's supposed benefits.

36. The suggestion to eliminate the fees was not followed.

COUNT I

BREACH OF FIDUCIARY DUTY

37. Plaintiffs incorporate by reference each of the above paragraphs as if fully set forth herein.

38. Defendants, once they have received their customers' funds, are fiduciaries, agents and trustees with respect to those funds.

39. Defendants owe class members duties of care, good faith, loyalty and candor.

40. Defendants' duties require them to manage the IRA Express accounts as dictated by the customers' needs and objectives, to refrain from self-dealing, to disclose any self-interest and not to profit from the assets that they hold in trust for their clients.

41. Once the funds owned by the customer are held in trust by defendants, defendants may not utilize this possession for their own benefit or profit without first seeking, and obtaining, the express consent of their clients, which they did not do.

42. Defendants received and retained payments from RMC based solely on the amount of money that class members held in their Express IRA accounts. Defendants have thus engaged in self-dealing and have breached their duty not to profit from the assets that they hold in trust for class members.

43. Defendants had a duty to disclose conflicts between its interests and those of its Express IRA clients. Defendants breached this duty because they failed to disclose that they contracted with RCM to receive, and did receive, payments from RCM tied to the amount of assets in the Express IRA accounts, such that it was in H&R's financial interest to push the product.

44. By receiving undisclosed profits in breach of their fiduciary duties, defendants became trustees to members of the class for the amounts they received. Defendants were required to use their title to and control over the assets deposited by class members in the Express IRA accounts solely for the benefit of class members and must disgorge any profits defendants obtained using such assets. See Restatement Second of Agency §§ 387-88. Thus, class members are entitled to an amount of payments from RMC to defendants plus interest.

45. By failing to inform class members of the amount and nature of the fees they received from RMC, defendants willfully and maliciously breached their fiduciary duties to class members. Class members incurred damages as a result of such breach.

46. Because defendants' breaches of their fiduciary duties to the class were willful and malicious, punitive damages are appropriate.

COUNT II

UNJUST ENRICHMENT

47. Plaintiffs incorporate by reference each of the above paragraphs as if fully set forth herein.

48. By receiving and retaining payments from RMC without properly disclosing this to their clients, defendants have unjustly profited from their conflicts of interest and breaches of fiduciary duties. Thus, a benefit was conferred upon defendants by unwitting class members.

49. The payments were paid by RMC to defendants and not to class members. An agent (defendants) who makes a profit on behalf of the principal (class members) is under a duty to remit that profit to the principal absent an agreement to the contrary. See Restatement Second of Agency § 388.

50. A secret profit made in violation of a fiduciary duty rightfully belongs to the person to whom the fiduciary duty is owed. Defendants received payments from RMC as a result of their breaches of fiduciary duties. Class members are entitled to the monies derived from such breaches.

COUNT III.

Violations Of Missouri's Merchandising Practices Act Mo. Rev. Stat. § 407.010, et seq.

51. Plaintiffs incorporate by reference each of the above paragraphs as if fully set forth herein.

52. Plaintiffs bring this claim pursuant to Missouri's Merchandising Practices Act, Mo. Rev. Stat. § 407.010, *et seq.*

53. At all relevant times, defendants provided and offered goods and/or services and thereby was engaged in trade or commerce, as defined in Mo. Rev. Stat. § 407.010(4).

54. Defendants' print and online advertisements for the Express IRA were "advertisements" as defined in Mo. Rev. Stat. § 407.010(1).

55. Defendants committed a deceptive, misleading, and unfair trade practice by inducing consumers to purchase the Express IRA accounts using deceptive advertising that misleadingly characterized the product as paying "great rates" and offering a "better way to save." As detailed above, the Express IRA product has, in practice, resulted in most class members losing money on their accounts due to improperly disclosed fees.

56. Defendants' failure to properly disclose the fees associated with the Express IRA account, thereby depriving class members of the ability to reasonably and accurately weigh the benefits and costs of the Express IRA products.

57. In addition to defendants' concealment of material information regarding Express IRA fees, defendants' also concealed from class members the fact that they received money from

RMC tied to Express IRA enrollment. This constitutes an omission of a material fact pursuant to § 407.020(1) that deprived all class members of the ability to make an informed decision about the merits of the product and operated as a deceptive and manipulative practice.

58. Defendants' conduct violated the Mo. Rev. Stat. § 407.020(1) prohibition of any "act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce." Such violations directly and proximately caused plaintiffs and the other members of the class to suffer damages.

COUNT IV.

NEGLIGENT MISREPRESENTATION

59. Plaintiffs incorporate by reference each of the above paragraphs as if fully set forth herein.

60. Defendants, by virtue of their fiduciary relationship with class members, as discussed above, owed class members a duty to communicate accurate information to them.

61. Defendants' representations regarding the supposed benefits of the Express IRA, namely, that it offered "great rates" and was a "great way to save" were false material representations. These representations were made in H&R brochures and in online and other advertisements.

62. In addition, defendants' failure to disclose that it received money from RMC for increasing Express IRA enrollment constitutes actionable omission that rendered defendants' advertising of the products materially false and misleading.

63. Defendants were at least negligent and/or careless in ascertaining the truth of the representations at issue and intended that class members rely on the statements, which they did as is evidenced by their enrollment in the Express IRA.

64. Members of the class were ignorant of the falsity of defendants' misrepresentations and reasonably and rightfully relied on their truth by enrolling in an Express IRA plan.

65. Class members were directly and proximately injured as a result of relying on defendants' misleading representations and omissions regarding the Express IRAs.

WHEREFORE, Plaintiffs, on behalf of themselves and the class as defined herein, pray for judgment as follows:


- (a) Certifying that this action may be maintained as a class action by the named plaintiffs as representatives of the Class;
- (b) Awarding actual damages, compensatory damages and injunctive relief as provided by Mo. Rev. Stat. § 407.025(2);
- (c) Awarding pre- and post-judgment interest to the Class, as allowed by law;
- (d) Awarding attorneys' fees and costs to counsel for the Class; and
- (e) Granting such other and further relief as is just and proper.

JURY TRIAL DEMANDED

Plaintiffs hereby demand a trial by jury.

Dated: March 24, 2006

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**U.S. District Court
Eastern District of Missouri (LIVE) (St. Louis)
CIVIL DOCKET FOR CASE #: 4:06-cv-00519-ERW**

Silverberg et al v. H & R Block, Inc. et al
Assigned to: Honorable E. Richard Webber
Related Case: 4:06-cv-00616-ERW
Cause: 28:1332 Diversity-Breach of Fiduciary Duty

Date Filed: 03/27/2006
Jury Demand: Plaintiff
Nature of Suit: 370 Fraud or Truth-In-Lending
Jurisdiction: Federal Question

Plaintiff

Shawn Silverberg
*on behalf of himself and all others
similarly situated*

represented by **Kim Elaine Miller**
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Plaintiff

Jennifer Conoley
*on behalf of herself and all others
similarly situated*

represented by **Kim Elaine Miller**
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V.

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*ATTORNEY TO BE NOTICED***Defendant****H & R Block Financial Advisors, Inc.**represented by **Anton R. Valukas**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Matthew M. Neumeler**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Molly June Moran**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Richard P. Steinken**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Ellen E. Bonacorsi**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/27/2006	<u>1</u>	COMPLAINT against defendant H & R Block, Inc. and H & R Block Financial Advisors, Inc. with Jury Demand filed by Shawn Silverberg and Jennifer Conoley. Fee paid in the amount of \$250, (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Original Filing Form)(CDD,) (Entered: 03/28/2006)
03/27/2006		***REMARK Service was not issued at the time this case was filed. (CDD,) (Entered: 03/28/2006)
03/27/2006		Receipt # S2006-005616 in the amount of \$250.00 for CIVIL FILING FEE, CIVIL FILING FEE-2ND 1/2 on behalf of BLITZ, BARDGETT & DEUTSCH. (CSW,) (Entered: 03/28/2006)
03/29/2006	<u>2</u>	Request for the Clerk to issue summons upon defendant H&R Block, Inc. 4400 Main Street, Kansas City, MO 64111, Registered Agent: Nicolas J. Spaeth filed by counsel for Plaintiffs Shawn Silverberg and Jennifer Conoley. (BDC) (Entered: 03/31/2006)
03/29/2006	<u>3</u>	Request for the Clerk to issue summons upon Defendant H&R Block Financial Advisors, Inc. Registered Agent CT Corporation System, 120 South Central Ave., St. Louis, MO 63105 filed by counsel for the Plaintiffs Shawn Silverberg and Jennifer Conoley.(BDC) (Entered: 03/31/2006)

		03/31/2006)
03/29/2006	<u>4</u>	NOTICE OF PRIVATE PROCESS SERVER; by Plaintiffs Shawn Silverberg, Jennifer Conoley to serve H&R Block, Inc.; Process Server: Third Strike Investigations-Tammy Billings, 901 E. St. Louis Blvd., Ste 104, Springfield, MO 65806, (BDC) (Entered: 03/31/2006)
03/29/2006	<u>5</u>	NOTICE OF PRIVATE PROCESS SERVER filed by Plaintiffs Shawn Silverberg, Jennifer Conoley to Serve Defendant H&R Block Financial Advisors, Inc.; Process Server: John Drederick-Frederick Investigations, P.O. Box 270471, St. Louis, MO 63127.(BDC) (Entered: 03/31/2006)
03/31/2006		SUMMONS Issued as to defendants: H & R Block, Inc., and H & R Block Financial Advisors, Inc. Summons were sent by reguar mail to plaintiffs' counsel this date.(BDC) (Entered: 03/31/2006)
04/11/2006	<u>6</u>	SUMMONS Returned Executed filed by Shawn Silverberg. H & R Block Financial Advisors, Inc. served on 3/31/2006, answer due 4/20/2006. (Bauman, Christopher) (Entered: 04/11/2006)
04/12/2006	<u>7</u>	MOTION to Consolidate Cases & <i>For Entry of Case Management Order No.1</i> Consolidate with higher case number 4:06cv554 & 4:06cv616 by Plaintiff Shawn Silverberg. (Attachments: # <u>1</u> Exhibit A)(Bauman, Christopher) (Entered: 04/12/2006)
04/12/2006	<u>8</u>	MEMORANDUM in Support of Motion re <u>7</u> MOTION to Consolidate Cases & <i>For Entry of Case Management Order No.1</i> Consolidate with higher case number 4:06cv554 & 4:06cv616 filed by Plaintiff Shawn Silverberg. (Attachments: # <u>1</u> Exhibit A -part 1# <u>2</u> Exhibit a - part 2# <u>3</u> Exhibit b# <u>4</u> Exhibit c)(Bauman, Christopher) (Entered: 04/12/2006)
04/13/2006	<u>9</u>	SUMMONS Returned Executed filed by Shawn Silverberg. H & R Block, Inc. served on 4/6/2006, answer due 4/26/2006. (Bauman, Christopher) (Entered: 04/13/2006)
04/20/2006	<u>10</u>	ENTRY of Appearance by Ellen E. Bonacorsi for Defendants H & R Block, Inc., H & R Block Financial Advisors, Inc.. (Bonacorsi, Ellen) (Entered: 04/20/2006)
04/20/2006	<u>11</u>	MOTION to Change Venue, MOTION for Extension of Time to File Answer by Defendants H & R Block, Inc., H & R Block Financial Advisors, Inc.. (Bonacorsi, Ellen) (Entered: 04/20/2006)
04/20/2006	<u>12</u>	MEMORANDUM in Support of Motion re <u>11</u> MOTION to Change Venue MOTION for Extension of Time to File Answer filed by Defendants H & R Block, Inc., H & R Block Financial Advisors, Inc.. (Attachments: # <u>1</u> Affidavit Exhibit 1)(Bonacorsi, Ellen) (Entered: 04/20/2006)
04/20/2006	<u>13</u>	RESPONSE in Opposition re <u>7</u> MOTION to Consolidate Cases & <i>For Entry of Case Management Order No.1</i> Consolidate with higher case number 4:06cv554 & 4:06cv616 filed by Defendants H & R Block, Inc., H & R Block Financial Advisors, Inc.. (Bonacorsi, Ellen) (Entered: 04/20/2006)

04/20/2006	<u>14</u>	DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant H & R Block, Inc. Parent companies: None., Subsidiaries: None., Publicly held company: None., (Bonacorsi, Ellen) (Entered: 04/20/2006)
04/20/2006	<u>15</u>	DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant H & R Block Financial Advisors, Inc. Parent companies: HRB Financial Corp.; Block Financial Corp.; H&R Block Group, Inc.; H&R Block, Inc., Subsidiaries: None, Publicly held company: H&R Block, Inc., (Bonacorsi, Ellen) (Entered: 04/20/2006)
04/26/2006	<u>16</u>	MOTION for Leave to Appear Pro Hac Vice Matthew Neumeier by Defendants H & R Block, Inc., H & R Block Financial Advisors, Inc.. (BAK,) (Entered: 04/26/2006)
04/26/2006	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice Richard Steinken by Defendants H & R Block, Inc., H & R Block Financial Advisors, Inc.. (BAK,) (Entered: 04/26/2006)
04/26/2006	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice Molly Moran by Defendants H & R Block, Inc., H & R Block Financial Advisors, Inc.. (BAK,) (Entered: 04/26/2006)
04/26/2006	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice Anton Valukas by Defendants H & R Block, Inc., H & R Block Financial Advisors, Inc.. (BAK,) (Entered: 04/26/2006)
04/26/2006		Docket Text ORDER: Motions for Leave to Appear Pro Hac Vice [doc. #16-#19] are GRANTED. Matthew Neumeier, Richard Steinken, Molly Moran and Anton Valukas shall be admitted pro hac vice for the purpose of presenting Defendants in this matter. So Ordered by Judge E. Richard Webber. (BAB) Modified on 4/27/2006 sent by regular mail to: Molly June Moran JENNER & BLOCK LLP One IBM Plaza Chicago, IL 60611 Matthew M. Neumeier JENNER & BLOCK LLP One IBM Plaza Chicago, IL 60611 Richard P. Steinken JENNER & BLOCK LLP One IBM Plaza Chicago, IL 60611 Anton R. Valukas JENNER & BLOCK LLP One IBM Plaza Chicago, IL 60611(BDC). (Entered: 04/26/2006)
04/26/2006		Docket Text ORDER: Counsel for all parties shall appear before this Court on May 5, 2006, at 1:30 p.m. for an in-court hearing on Plaintiffs' Motion to Consolidate [doc. #7] and Defendants' Motion to Change Venue / Extend Time to File Answer [doc. #12]. So Ordered by Judge E. Richard Webber. (BAB) Modified on 4/27/2006 sent by regular mail to: Molly June Moran JENNER & BLOCK LLP One IBM Plaza Chicago, IL 60611 Matthew M. Neumeier JENNER & BLOCK LLP One IBM Plaza Chicago, IL 60611 Richard P. Steinken JENNER & BLOCK LLP One IBM Plaza Chicago, IL 60611 Anton R. Valukas JENNER & BLOCK LLP One IBM Plaza Chicago, IL 60611(BDC). (Entered: 04/26/2006)
04/26/2006		Receipt # S2006-006848 in the amount of \$100.00 for ATTORNEY ADM. FEE - PHV-ANTON RONALD VALUKAS, ATTORNEY ADM. FEE - PHV-MATTHEW MICHAEL NEUMEIER, ATTORNEY ADM.

		FEE - PHV-MOLLY JUNE MORAN, ATTORNEY ADM. FEE - PHV-RICHARD PAUL STEINKEN on behalf of BRYAN CAVE LLP. (CSW,) (Entered: 05/02/2006)
04/27/2006	<u>20</u>	MEMORANDUM in Opposition re <u>11</u> MOTION to Change Venue MOTION for Extension of Time to File Answer filed by Plaintiff Shawn Silverberg. (Attachments: # <u>1</u> Affidavit Declaration# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Exhibit E# <u>7</u> Exhibit F# <u>8</u> Exhibit G)(Bauman, Christopher) (Entered: 04/27/2006)
05/03/2006	<u>21</u>	REPLY to Response to Motion re <u>11</u> MOTION to Change Venue MOTION for Extension of Time to File Answer filed by Defendants H & R Block, Inc., H & R Block Financial Advisors, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Neumeier, Matthew) (Entered: 05/03/2006)
05/03/2006	<u>22</u>	SUPPLEMENTAL re <u>21</u> Reply to Response to Motion, <i>Corrected Exhibit A</i> by Defendants H & R Block, Inc., H & R Block Financial Advisors, Inc.. (Neumeier, Matthew) (Entered: 05/03/2006)
05/05/2006	<u>23</u>	MOTION for Leave to Appear Pro Hac Vice Kim E. Miller by Plaintiffs Shawn Silverberg, Jennifer Conoley. (BAK,) (Entered: 05/05/2006)

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05/05/2006 11:17:49			
PACER Login:	gg0108	Client Code:	HRB2-270
Description:	Docket Report	Search Criteria:	4:06-cv-00519-ERW
Billable Pages:	3	Cost:	0.24

**BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In re:

H&R BLOCK EXPRESS IRA LITIGATION

MDL Docket No. _____

**CERTIFICATE OF SERVICE FOR THE REVISED SCHEDULE OF ACTIONS IN
SUPPORT OF BRONSON'S MOTION TO CONSOLIDATE AND TRANSFER
ACTIONS UNDER 28 U.S.C. § 1407**

**GIRARD GIBBS
& De BARTOLOMEO LLP**

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Counsel for Plaintiff Carol Bronson

I, Sue M. Querubin, hereby declare as follows:

I am employed by Girard Gibbs & De Bartolomeo, A Limited Liability Partnership, 601 California Street, Suite 1400, San Francisco, California 94108. I am over the age of eighteen years and not a party to this action. On May 5, 2006, I served the following documents:

1. **REVISED SCHEDULE OF ACTIONS IN SUPPORT OF BRONSON'S MOTION TO CONSOLIDATE AND TRANSFER ACTIONS UNDER 28 U.S.C. § 1407; and**
2. **CERTIFICATE OF SERVICE FOR THE REVISED SCHEDULE OF ACTIONS IN SUPPORT OF BRONSON'S MOTION TO CONSOLIDATE AND TRANSFER ACTIONS UNDER 28 U.S.C. § 1407 .**

on:

SEE ATTACHED REVISED SERVICE LIST "A"

X by placing the document(s) listed above for collection and mailing following the firm's ordinary business practices in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at San Francisco, California addressed as set forth on the attached service list.

I further certify and declare that I caused the above documents to be delivered by the same means to the clerks of the following courts affected by the Motion for Transfer and Consolidation:

SEE ATTACHED SERVICE LIST "B"

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, executed this 5th day of May, 2006, at San Francisco, California.


Sue M. Querubin

In re H&R Block Express IRA Litigation

REVISED SERVICE LIST "A"

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Perkins v. H&R Block, Inc. et al.
Case No. 06-317-GPM
USDC, Southern District of Illinois

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Cribbs v. H&R Block, Inc. et al.
Case No. 06-0330-CV-WGAF
USDC, Western District of Missouri
Western Division

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Rozum v. H&R Block, Inc.
Case No. 06-0326-CV-W-FJG
USDC, Western District of Missouri
Western Division

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Kessler v. H&R Block, Inc. et al.
Case No. 4-06-CV-00616-ERW
USDC, Eastern District of Missouri

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Carr et al. v. H&R Block, Inc.
Case No. 06-0312-CV-W-DW
USDC, Western District of Missouri
Western Division

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Baxter v. H&R Block, Inc.
Case No. 06-00289-CV-JTM
USDC, Western District of Missouri
Western Division

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Rodriguez v. H&R Block, Inc. et al.
Case No. 06-CV-00554-AGF
USDC, Eastern District of Missouri

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Jenkins v. H&R Block, Inc.
Case No. 06-CV-00365-GTE
USDC, Eastern District of Arkansas

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Braun v. H&R Block, Inc.
Case No. 06-0242-CV-W-DW
USDC, Western District of Missouri
Western Division

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Dowda v. H&R Block, Inc. et al.
Case No. CV-00255-WHA
USDC, Middle District of Alabama
Northern Division

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--	--

Adams v. H&R Block, Inc. et al.
Case No. 03-0231-CV-W-GAF
USDC, Western District of Missouri
Western Division

<p>R. Frederick Walters J. Michael Vaughan Kip D. Richards WALTERS BENDER STROHBEHN & VAUGHAN, P.C. P.O. Box 26188 Kansas City, MO 64196 Telephone: (816) 421-6620 Facsimile: (816) 421-4747</p> <p>Edward F. Haber Michelle H. Blauner SHAPIRO HABER & URMY LLP 53 State Street Boston, MA 02109 Telephone: (617) 439-3939 Facsimile: (617) 439-0134</p> <p>Jeffrey M. Liggio LIGGIO BENRUBI & WILLIAMS PA The Barristers Bldg. 1615 Forum Place, Suite 3B West Palm Beach, FL 33401 Telephone: (561) 616-3333 Facsimile: (561) 616-3266</p> <p><i>Attorneys for Plaintiff Tanya C. Adams</i></p>	<p>Robert M. Thompson BRYAN CAVE, LLP 1200 Main Street, Suite 3500 Kansas City, MO 64105 Telephone: (816) 374-3200 Facsimile: (816) 374-3300</p> <p>Anton R. Valukas Matthew M. Neumeier Molly June Moran Richard P. Steinken JENNER & BLOCK LLP One IBM Plaza Chicago, IL 60611 Telephone: (312) 222-9350 Facsimile: (312) 527-0484</p> <p><i>Attorney for Defendants H&R Block, Inc. and H&R Block Financial Advisors, Inc.</i></p>
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Terrelonge v. H&R Block, Inc.
Case No. 06-00222-CV-RED
USDC, Western District of Missouri
Western Division

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Attorney for Defendants H&R Block, Inc.

Siverberg et al v. H&R Block, Inc. et al.
Case No. 06-CV-00519-ERW
USDC, Eastern District of Missouri

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In re H&R Block Express IRA Litigation

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CASE	CLERK
Bronson v. H&R Block, Inc. et al. Case No. 06-0357-CV-W-SWH USDC, Western District of Missouri	USDC, Western District of Missouri Charles Evans Whittaker Courthouse 400 E. 9th Street Kansas City, Missouri 64106
Perkins v. H&R Block, Inc. et al. Case No. 06-317-GPM USDC, Southern District of Illinois	USDC, Southern District of Illinois 750 Missouri Avenue East St. Louis, IL 62201
Cribbs v. H&R Block, Inc. et al. Case No. 06-0330-CV-WGAF USDC, Western District of Missouri	USDC, Western District of Missouri Charles Evans Whittaker Courthouse 400 E. 9th Street Kansas City, Missouri 64106
Rozum v. H&R Block, Inc. Case No. 06-0326-CV-W-FJG USDC, Western District of Missouri Western Division	USDC, Western District of Missouri Charles Evans Whittaker Courthouse 400 E. 9th Street Kansas City, Missouri 64106
Kessler v. H&R Block, Inc. et al. Case No. 4-06CV-00616-ERW USDC, Eastern District of Missouri	USDC, Eastern District of Missouri 111 S. 10th Street, Suite 3300 St. Louis, MO 63102
Carr et al. v. H&R Block, Inc. Case No. 06-0312-CV-W-DW USDC, Western District of Missouri Western Division	USDC, Western District of Missouri Charles Evans Whittaker Courthouse 400 E. 9th Street Kansas City, Missouri 64106
Baxter v. H&R Block, Inc. Case No. 06-00289-CV-JTM USDC, Western District of Missouri Western Division	USDC, Western District of Missouri Charles Evans Whittaker Courthouse 400 E. 9th Street Kansas City, Missouri 64106
Rodriguez v. H&R Block, Inc. et al. Case No. 06-CV-00554-AGF USDC, Eastern District of Missouri	USDC, Eastern District of Missouri 111 S. 10th Street, Suite 3300 St. Louis, MO 63102
Jenkins v. H&R Block, Inc. Case No. 06-CV-00365-GTE USDC, Eastern District of Arkansas	USDC, Eastern District of Arkansas 600 West Capitol Avenue Little Rock, Arkansas 72201-3325

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Adams v. H&R Block, Inc. et al. Case No. 03-0231-CV-W-GAF USDC, Western District of Missouri Western Division	USDC, Western District of Missouri Charles Evans Whittaker Courthouse 400 E. 9th Street Kansas City, Missouri 64106
Terrelonge v. H&R Block, Inc. Case No. 06-00222-CV-RED USDC, Western District of Missouri Western Division	USDC, Western District of Missouri Charles Evans Whittaker Courthouse 400 E. 9th Street Kansas City, Missouri 64106
Siverberg et al v. H&R Block, Inc. et al. Case No. 06-CV-00519-ERW USDC, Eastern District of Missouri	USDC, Eastern District of Missouri 111 S. 10th Street, Suite 3300 St. Louis, MO 63102